

KENNETH BELL, et al.,)
)
Plaintiff,)
)
v.) No. 1:06CV185 FRB
)
STATE OF MISSOURI,)
)
Defendant.)

This matter is before the Court on Kenneth Bell and Cleophus Mack's motions to proceed in forma pauperis on appeal. Plaintiffs, inmates at Southeast Correctional Center, paid the filing fee in this action, and the Court dismissed the complaint pursuant to 28 U.S.C. § 1915A. On April 25, 2007, plaintiffs filed a joint notice of appeal, motions to proceed in forma pauperis on appeal, and certified copies of their prisoner account statements.

Title 28 U.S.C. § 1915(a)(3) provides that “an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” A review of this Court’s Order and Memorandum of March 14, 2007, shows that plaintiffs’ appeal is not taken in good faith. As a result, the Court will certify that plaintiffs’ appeal is not taken in good faith and deny their motions for leave to proceed in forma pauperis on appeal.

Accordingly,

IT IS HEREBY CERTIFIED that an appeal of this matter would not be taken in good faith.

IT IS HEREBY ORDERED that plaintiffs motions to proceed in forma pauperis on appeal [Doc. #27 and #29] are **DENIED**.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, plaintiffs shall either pay to this Court the full \$455 filing and docketing fees for filing an appeal or file with the United States Court of Appeals for the Eighth Circuit applications to proceed in forma pauperis on appeal.¹

IT IS FURTHER ORDERED that plaintiffs shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 2nd Day of May, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹If plaintiffs choose to pay the filing fee, they are instructed to make their remittance payable to "Clerk, United States District Court," and to include upon it: (1) their names; (2) their prison identification numbers; (3) the case number; and (4) that the remittance is for the appeal of the instant action.